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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/350,152

07/09/1999

MICHEL GARRAIT

03806.0456

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22852

7590

08/23/2002

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EXAMINER

OH, TAYLOR V

ART UNIT

PAPER NUMBER

1625

DATE MAILED: 08/23/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/350,152

Applicant(s)

GARRAIT ET AL.

Examiner

Taylor Victor Oh

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The Examiner has vacated the finality of the previous Office Action. Now, the Examiner issues the Final Rejection based on the applicants' argument.

Final Rejection

The Status of Claims

Claims 15-34 have been rejected.

Claim Rejections-35 USC 103

1. Applicants' argument filed 7/22/2002 have been fully considered but they are not persuasive.

Rejection of claims 15-34 under 35 U.S.C. 103(a) as being unpatentable over Suchsland (U.S. 5,847,207) in view of Hsu et al (U.S. 5,998,664).

The rejection of claims 15-34 under 35 U.S.C. 103(a) as being unpatentable over Suchsland (U.S. 5,847,207) in view of Hsu et al (U.S. 5,998,664) is maintained for reasons of the record in paper no. 12.

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In Response to Argument

2. Applicants argue the following issues:

- a. The Examiner must show some motivation for modifying the teachings of the reference with a reasonable expectation;
- b. Either Hsu et al or Suchsland does not teach operation of the hydration of nitrile under vacuum;
- c. Hsu et al has failed to teach that evaporation of excess water vapor would necessarily increase the nitrile hydrolysis rate ;
- d. Suchsland's optional vacuum evaporation process would not be useful in the nitrile hydration step due to the adiabatic condition ;
- e. Either Hsu et al or Suchsland or the combination of both has nothing to motivate one of the ordinary skilled artisans in the art to modify the process of Suchsland in the manner suggested by the Office Action.

The applicants' argument have been noted, but these arguments are not persuasive.

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First, with regard to the first and the last argument, the Examiner has noted the argument. Hsu et al, however, does disclose that the reaction is carried out at a total pressure of between 0 to 15 psig (see col .8 , lines 5-10) in the nitrile hydrolysis reaction; in other words, in vacuum. Furthermore, Hsu et al expressly indicates that the rate of nitrile hydrolysis can be reduced by the excess water (see col. 5 ,lines 53-55). Moreover, Suchsland advocates the application of evaporation under vacuum to the hydrolysis of the MHA amide (see col. 11, lines 28-32) in order to obtain the pure product. From this, it is quite possible that the nitrile hydrolysis reaction can be performed in vacuum; furthermore, the use of vacuum evaporation process can be applied throughout the process. Thus, there is no patentable distinction using the vacuum evaporation between the prior art and the current invention. Therefore, it would have been obvious to skillful artisan in the art to have motivated to combine the teachings of both references with an expectation of a similar success disclosed in each ,thereby increasing the rate of nitrile hydrolysis as well as obtaining the pure product because the combined references make it possible to get the maximum benefits using the vacuum evaporation process throughout the process.

Second, regarding the second argument, the Examiner has noted the argument.

The secondary Hsu et al reference , however, does teach operation of the hydration of nitrile under vacuum (see col .8 , lines 5-10); the primary Suchsland reference does specify the application of evaporation under vacuum to the hydrolysis of the MHA amide (see col. 11, lines 28-32) in order to obtain the pure product. Therefore, it would have been obvious to skillful artisan in the art to have motivated to combine the teachings of both references with an

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expectation of a similar success disclosed in each ,thereby increasing the rate of nitrile hydrolysis as well as obtaining the pure product because the combined references makes it possible to get the maximum benefits using the vacuum evaporation process throughout the process.

Third, concerning the third argument, the Examiner has noted the argument. Hsu et al, however, expressly indicates that the rate of nitrile hydrolysis can be reduced by the excess water (see col. 5 ,lines 53-55). From this, it may be logical that the removal of the excess water during the process may facilitate the rate of nitrile hydrolysis. Therefore, it does teach indirectly that the rate of nitrile hydrolysis may be enhanced.

Fourth, with respect to the fourth argument, the Examiner has noted the argument. The issue, however, is not related to how useful Suchsland's optional vacuum evaporation process would be in the nitrile hydration step. The secondary Hsu et al reference does teach the performance of the nitrile hydrolysis reaction in vacuum in order to facilitate the rate of nitrile hydrolysis and the primary Suchsland does indicate that of the hydrolysis of the MHA amide in vacuum in order to obtain the pure product. Therefore, it would have been obvious to skillful artisan in the art to have motivated to combine the teachings of both references with an expectation of a similar success disclosed in each ,thereby increasing the rate of nitrile hydrolysis as well as obtaining the pure product because the combined references make it possible to get the maximum benefits using the vacuum evaporation process throughout the process.

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Therefore, the Examiner maintains the rejection of all the claims.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

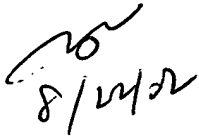
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Victor Oh whose telephone number is (703) 305-0809. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman, can be reached on (703) 308-4698. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

T. Victor Oh



8/24/22



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